

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:05CR411
vs.) ORDER
JOSE NARANJO,)
Defendant.)

This matter is before the court on the motion of Carlos A. Monzon to withdraw as counsel for the defendant, Jose Naranjo (Naranjo) (Filing No. 15). The court held a hearing on the motion on January 12, 2006, and the court determined the motion should be granted. The court further determined Naranjo is eligible for appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska. The court also determined that the trial of this matter should be continued to provide new counsel adequate time to prepare the defense. Naranjo joined in that assessment and understood the additional time would be excluded under the Speedy Trial Act.

IT IS ORDERED:

1. Mr. Monzon's motion to withdraw (Filing No. 15) is granted.
2. The Federal Public Defender for the District of Nebraska is appointed to represent Naranjo for the balance of these proceedings. In the event that the Federal Public Defender accepts this appointment, the Federal Public Defender shall forthwith file a written appearance in this matter. In the event the Federal Public Defender should decline this appointment for reason of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall forthwith provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.

3. Mr. Monzon shall forthwith provide the Federal Public Defender with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Monzon which are material to Naranjo's defense.

4. The Clerk shall provide a copy of this order to the Federal Public Defender for the District of Nebraska.

IT IS FURTHER ORDERED that the trial of this matter is re-scheduled for **March 6, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such continuance and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 12, 2006 and March 6, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS FURTHER ORDERED that the defendant shall have to on or before **February 3, 2006**, in which to file any pretrial motions in accordance with the progression order.

DATED this 12th day of January, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge